

ESTTA Tracking number: **ESTTA179761**

Filing date: **12/10/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91180471
Party	Defendant Nudelman, Sandra L
Correspondence Address	NUDELMAN, SANDRA L 92 STONEHURST LN DIX HILLS, NY 11746-7934  snudelman@mba2007.hbs.edu
Submission	Answer
Filer's Name	Sandra Nudelman
Filer's e-mail	snudelman@mba2007.hbs.edu
Signature	/Sandra Nudelman/
Date	12/10/2007
Attachments	Judicial Review - Answer.pdf ( 3 pages )(14355 bytes )

CERTIFICATE OF MAILING VIA ELECTRONIC TRANSMISSION

I, Sandra Nudelman, hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on December 10, 2007.

/s/ Sandra Nudelman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Mark: JUDICIAL REVIEW  
U.S. Application Serial No. 77110266

---

MARC VIANELLO,

Opposer,

Opposition No. 91180471

v.

App. No. 77110266

SANDRA L. NUDELMAN

Applicant.

---

SANDRA L. NUDELMAN'S ANSWER TO OPPOSER'S  
NOTICE OF OPPOSITION

Sandra L. Nudelman ("Nudelman" or "Applicant") hereby responds to the Notice of Opposition filed by Marc Vianello ("Opposer") on October 31, 2007 as follows:

1. Nudelman admits the allegations contained in the first two sentences of Paragraph 1 of the Notice of Opposition. Nudelman admits that an extension of time to submit this Notice of Opposition was filed with the Board on September 6, 2007 but denies the remaining allegations in Sentence 3 of Paragraph 1.

2a.-b. Nudelman is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 2a-b of the Notice of Opposition.

3. Denied.

4. Nudelman is without knowledge or information sufficient to form a belief as to the truth of the matters asserted in Paragraph 4 of the Notice of Opposition.

5-7. Denied.

#### AFFIRMATIVE DEFENSES

In further response to the Notice of Opposition, Nudelman asserts that:

1. After filing the Notice of Opposition, the Board issued a final action on November 19, 2007 to the Opposer denying registration of its application seeking registration of the mark THE JUDICIAL VIEW, U.S. Application Serial No. 77/212,172. Accordingly, Opposer's Notice of Opposition fails to state a claim for which relief can be granted, and fails to state legally sufficient grounds for sustaining the opposition.

2. Nudelman's use of the mark JUDICIAL REVIEW is not likely to cause confusion with THE JUDICIAL VIEW name, to the extent (if any) Opposer has protectable rights therein.

3. Nudelman's use of JUDICIAL REVIEW will not mistakenly be thought by the public to derive from the same source as Opposer, nor will such use be thought by the public to be a use by Opposer or with Opposer's authorization or approval.

4. Nudelman's mark is sufficiently distinctively different from Opposer's mark to avoid confusion, deception or mistake as to the source or sponsorship or association with Nudelman's services.

5. Opposer's mark is not a famous mark, and Nudelman's use of JUDICIAL REVIEW does not dilute, and is not likely to dilute, THE JUDICIAL VIEW name, to the extent (if any) Opposer has protectable rights therein.

6. The Notice of Opposition is barred by the doctrines of waiver, estoppel, laches, and unclean hands.

#### RELIEF REQUESTED

WHEREFORE, Sandra L. Nudelman respectfully requests that this opposition proceeding be dismissed, with prejudice.

DATE: December 10, 2007

/s/ Sandra L. Nudelman

Sandra L. Nudelman-CEO/Founder  
Judicial Intelligence  
92 Stone Hurst Lane  
Dix Hills, NY 117467934